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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,756	01/27/2004	Zyh-Ming Huang	SP4002-P-842-AAL	8772
7590 ZYH-MING HUANG 235 Chung-Ho P.O. BOX 10-69 Taipei, TAIWAN			EXAMINER TRAN, ELLEN C	
			ART UNIT 2134	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			04/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/764,756

Applicant(s)

HUANG, ZYH-MING

Examiner

Ellen C. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

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DETAILED ACTION

1. This action is responsive to: amendment filed original application filed on 27 January 2004.
2. Claims 1-7 are pending; claim 1 is an independent claims.

Claim Objections

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim 1 is objected to because of the following phrase “a receiver installed on a computer and communicated to the wireless transmitter wirelessly for receiving the data from the wireless transmitter” does not make sense. The Examiner interprets this limitation as: “a receiver installed on a computer for receiving the data from the wireless transmitter”. Appropriate correction is required

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-5**, are rejected under 35 U.S.C. 102(b) as being anticipated by Margulis et al. U.S. Patent No. 6,259,944 (hereinafter '944).

As to independent claim 1, "A wireless multi-functional computer lock comprising: at least one meter for measuring at least one of blood pressures, pulses, body temperatures and times of moving steps of a person; a wireless transmitter for transmitting measuring data from the at least one meter" is taught in '944 col. 1, lines 50-67, note the individual physiological data logger measures heart beat data which is coupled to a transceiver apparatus;

"a receiver installed on a computer and communicated to the wireless transmitter wirelessly for receiving the data from the wireless transmitter" is shown in '944 col. 2, lines 4-19, note the RF transceiver apparatus wirelessly transfers the heart beat data to a computer;

"wherein the wireless transmitter is used to actuate and lock the receiver on the computer so as to enter into an process of inputting passwords, browsing the data and locking the display of the data on the display window of the computer" is disclosed in '944 col. 7, lines 13-25 and col. 8, lines 32-65, note the personal code is interpreted to be equivalent to a password, the Monitoring Window is interpreted to be equivalent to the display window, the action of 'locking the display of data' is interpreted to be equivalent to 'The appearance of marker, and the absolute time at which they appeared', a marker could be the end of an exercise session, an alert for a sensed heart beat, etc.

As to dependent claim 2, “wherein the wireless transmitter comprises a time switch and a processor, and the time switch serves to select a time period to set the actuate time of the computer” is taught in ‘944 col. 4, lines 26-67, note the IPDL includes a wireless transmitter (i.e. RF transceiver apparatus), the IPDL has a micro-controller (i.e. processor), the IPDL has a clock and commands from the computer at the start and stop of exercises.

As to dependent claim 3, “wherein the time period is selected from one of a 30 minute field, a one hour field, a two hour field, a three hour field, a four field, a five hour field, a six hour field, a seven hour field, and an eight hour field which sets a corresponding time period for actuation the computer” is shown in ‘944 col. 4, lines 6-25, note the specific time period for actuation of the computer are not stated in ‘944 but they are interpreted to be inherent with the selection of a ‘tailored exercise plan’.

As to dependent claim 4, “wherein the processor of the wireless transmitter is connected to a hemodynamometer for measuring blood pressures of a user; measuring data are then transferred from a transmitting end of the wireless transmitter to be displayed on a blood pressure display window in the computer” is disclosed in ‘944 col. 3, lines 31-56.

As to dependent claim 5, wherein the processor of the wireless transmitter is connected to a pulsometer for measuring pulses; measuring data are then transferred from a transmitting end of the wireless transmitter to be displayed on a pulse display window in the computer” is taught in ‘944 col. 3, lines 31-56.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claim 6**, is rejected under 35 U.S.C. 103(a) as being unpatentable over Margulis et al. U.S. Patent No. 6,259,944 (hereinafter '944) in view of Sham et al. U.S. Patent No. 5,891,042 (hereinafter '042).

As to **dependent claim 6**, the following is not explicitly taught in '944: **"wherein the processor of the wireless transmitter is connected to a pedometer for measuring moving steps of users; measuring data are then transferred from a transmitting end of the wireless transmitter to be displayed on a blood pressure display window in the computer"** however '042 teaches a fitness monitoring device having an electronic pedometer and a wireless heart rate monitor in col. 2, lines 53-67.

It would have been obvious to one of ordinary skill in the art at the time of the invention of a heart beat sensor to include a means for the device to measure the moving steps as determined by a pedometer. One of ordinary skill in the art would have been motivated to perform such a modification because as indicated by '042 because a need exists for a fitness monitoring device to effectively provide the user with physiological information while at the same time providing empirical information with respect to the duration and extent of a workout

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see '042 (col. 2, lines 15-49) "Pedometers have also been developed which incorporate pulse meters for sensing the user's heartbeat, such as in U.S. Pat. No. 5,539,706. In contrast to heart rate monitors which determine the heartbeat in beats per minute (bpm) based on electrical signals from the heart, the pulse meters calculate the heartbeat by sensing blood flow through the user's veins. Typically, pulse meters incorporate an infrared light sensor which is pressed against the user's fingertip or clipped against the user's ear. The infrared light sensor determines how fast the user's blood is pumping through their veins. Unfortunately, such pulse meters encounter problems in that if the user's finger is pressed too hard against the sensor, the blood flow will slow down. By contrast, if pressed too lightly against the sensor, then even the slightest movement of the user's fingertip can give erratic readings. Similarly, the ear-clip pulse meter models can also provide faulty readings due to poor circulation in the user's ears, or to sensor movements caused by the connecting wires which must dangle from the sensor. While the use of pulse meters is accurate when the user remains very still, they become unstable and inaccurate during a fitness routine. This therefore defeats the purpose of using the pulse meter to determine the user's heartbeat during exercise. Proper use of heart rate measurement requires that the user be aware of the heart rate during the exercise. As noted above, however, accurate readings with the pulse meters are accomplished by interrupting or slowing down the exercise routine, which has its own disadvantages notwithstanding the fact that the user's heart rate instantaneously lowers during a stoppage or slow down. There is therefore needed a fitness monitoring device which can effectively provide the user with physiological information concerning their exercise level while at the same time providing empirical information with respect to the duration and extent of a workout".

9. **Claim 6**, is rejected under 35 U.S.C. 103(a) as being unpatentable over Margulis et al. U.S. Patent No. 6,259,944 (hereinafter '944) in view of Money et al. U.S. Patent No. 5,919,141 (hereinafter '141).

As to **dependent claim 7**, the following is not explicitly taught in '944: **"wherein the processor of the wireless transmitter is connected to a clinical thermometer for measuring body temperatures of the user; measuring data are then transferred from a transmitting end of the wireless transmitter to be displayed on a blood pressure display window in the computer"** however '141 teaches the object of the present invention is to provide the capability for simultaneous monitoring of multi-channel ECG data, heart rate, pulse, pulse oximetry, temperature, respiration and blood pressure, in a self-contained unit that can be worn by an ambulatory hospital patient this information can be wirelessly transmitted to a central monitoring station in col. 2, line 64 through col. 3, line 2 and col. 5, lines 1-13.

It would have been obvious to one of ordinary skill in the art at the time of the invention of a heart beat sensor to include a means for the device to measure the clinical temperature of the user. One of ordinary skill in the art would have been motivated to perform such a modification because as indicated by '141 because none of the prior art monitoring devices combine the ability to simultaneously display and transmit to a remote location respiration, non-invasive blood pressure, temperature, dual channel ECG, and pulse oximetry see '141 (col. 2, lines 49 et seq.) "None of the prior art remote patient monitoring devices combine the ability to simultaneously display and transmit to a remote location respiration, non-invasive blood pressure, temperature, dual channel ECG, and pulse oximetry. Further, no prior art devices allow for remote transmission of a plurality of patient vital signs along with the ability to use the

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patient monitoring device as a portable stand-alone unit. Further, prior art devices which provide for monitoring at remote locations of a plurality of patient vital signs do not also include the ability of the health care worker to start and stop recording units at the central monitoring station by transmitting a record command signal from the remote patient monitoring device. Such a device is needed”.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen C Tran whose telephone number is (571) 272-3842. The examiner can normally be reached from 9:00 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Patent Examiner
Technology Center 2134
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